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as Trustee of SORENSEN RESEARCH AND
DEVELOPMENT TRUST

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JENS ERIK SORENSEN, as Trustee of	)	Case No. C08-00095 JW
SORENSEN RESEARCH AND)	
DEVELOPMENT TRUST,	)	AMENDED NOTICE OF MOTION
	)	AND PLAINTIFF'S MOTION FOR
Plaintiff	)	APPLICATION OF 35 U.S.C. § 295
v.	)	PRESUMPTION OF
	)	INFRINGEMENT
LEXAR MEDIA, INC., a Delaware)	
corporation; and DOES 1 – 100,	)	Date: June 30, 2008
	)	Time: 9:00 A.M.
Defendants.	)	Courtroom 8, 4 th Floor
	)	Judge: The Hon. James Ware
)	
and related counterclaims.	)	<i>Oral Argument is Respectfully Requested</i>
	)	<i>at Hearing on This Matter.</i>
)	

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD

2 PLEASE TAKE NOTICE that on June 30, 2008, at 9:00 A.M. or as soon thereafter
3 as this matter may be heard before the Honorable James Ware, PLAINTIFF Jens
4 Erik Sorensen, as trustee of Sorensen Research & Development Trust, will move and
5 hereby does move this Court for an order pursuant to 35 U.S.C. § 295 to invoke the
6 presumption of infringement as to the Accused Products.

7 This motion is made on the grounds that: (1) The products accused of
8 infringement is substantially likely to have been manufactured through use of the
9 '184 patented process; (2) Plaintiff has made reasonable, but unsuccessful, efforts to
10 obtain the process actually used to manufacture the products, but have been unable to
11 do so; and (3) Additional, reliable evidence of the process utilized will not become
12 available in litigation because the manufacturing is in China, beyond the reach of
13 U.S. discovery laws and enforcement.

14 This motion is based on this amended notice of motion, the supporting
15 amended Memorandum of Points and Authorities; the declaration of Stephen Petrie,
16 Ph.D., in support thereof filed concurrently herewith; the declarations of Melody A.
17 Kramer, and Edward Truitt filed in support thereof that were filed on April 11,
18 2008; the pleadings and other files and records in each of these actions, and upon
19 such other written or oral argument as may be presented to the court.

20 Dated this Tuesday, May 20, 2008.

21 Respectfully submitted,

22
23 JENS ERIK SORENSEN, as Trustee of SORENSEN
24 RESEARCH AND DEVELOPMENT TRUST,
Plaintiff

25 /s/ J. Michael Kaler

26 J. Michael Kaler

27 Melody A. Kramer

28 Attorneys for Plaintiff

PROOF OF SERVICE

I, J. Michael Kaler, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kaler Law Offices, 9930 Mesa Rim Road, Suite 200, San Diego, California, 92121.

On Tuesday, May 20, 2008, I served the following documents:

AMENDED NOTICE OF MOTION AND PLAINTIFF'S MOTION FOR APPLICATION OF 35 U.S.C. § 295 PRESUMPTION OF INFRINGEMENT

AMENDED MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR APPLICATION OF 35 U.S.C. § 295 PRESUMPTION OF INFRINGEMENT

DECLARATION OF STEPHEN PETRIE, Ph.D., IN SUPPORT OF PLAINTIFF'S AMENDED MOTION FOR APPLICATION OF 35 U.S.C. § 295 PRESUMPTION OF INFRINGEMENT

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
Jared Bobrow jared.bobrow@weil.com Weil, Gotshal & Manges LLP 201 Redwood Shores Parkway Redwood Shores, CA 94065	Lexar Media, Inc.	Email--Pleadings Filed with the Court via CM/ECF

- ☐ (Personal Service) I caused to be personally served in a sealed envelope hand-delivered to the office of counsel during regular business hours.
- ☐ (Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.
- ☐ (Facsimile) I caused a true copy of the foregoing documents to be transmitted by facsimile machine to the above noted addressees. The facsimile transmissions were reported as complete and without error.
- ☐ (Email) I emailed a true copy of the foregoing documents to an email address represented to be the correct email address for the above noted addressee.
- ☒ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Southern District of California.

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2 ☐ (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address
represented to be the correct mail address for the above noted addressee.

3 I declare that the foregoing is true and correct, and that this declaration was executed on Tuesday,
4 May 20, 2008, in San Diego, California.
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6 /s/ J. Michael Kaler

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J. Michael Kaler
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